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GLEN LITTLETON and the Class

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Attorneys for Defendants  
TESLA, INC., ELON MUSK, BRAD W. BUSS,  
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ANTONIO J. GRACIAS, JAMES MURDOCH,  
KIMBAL MUSK, and LINDA JOHNSON RICE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**IN RE TESLA, INC. SECURITIES  
LITIGATION**

Case No. 3:18-cv-04865-EMC

## **STIPULATION AND [PROPOSED] ORDER FOR ISSUANCE OF LETTERS ROGATORY**

WHEREAS, by Order dated November 27, 2018, the Court appointed Glen Littleton (“Littleton” or “Plaintiff”) as lead plaintiff in this action (Dkt. No. 152).

WHEREAS, on January 16, 2019, Littleton filed a Consolidated Class Action Complaint against Elon Musk, Tesla, Inc., Brad W. Buss, Robyn Denholm, Ira Ehrenpreis, Antonio J. Gracias, James Murdoch, Kimbal Musk, and Linda Johnson Rice (Dkt. No. 184).

1        WHEREAS, Defendants filed a Motion to Dismiss the Consolidated Class Action  
2 Complaint on November 22, 2019 (Dkt. No. 227).

3        WHEREAS, the Court Denied Defendants' Motion to Dismiss on April 15, 2020 (Dkt. No.  
4 251).

5        WHEREAS, on November 25, 2020, the Court entered an Order granting the parties'  
6 stipulation for Class Certification (Dkt. No. 298).

7        WHEREAS, the factual allegations of the Consolidated Class Action Complaint include  
8 allegations regarding a meeting between certain Defendants and representatives of Saudi Arabia's  
9 sovereign wealth fund, the Public Investment Fund.

10      WHEREAS, Plaintiff now seeks testimony from H.E. Yasir Al-Rumayyan, Saad Al Jarboa,  
11 and Naif Al Mogren of the Public Investment Fund.

12      WHEREAS, Plaintiff believes that it cannot serve a third-party subpoena on the Public  
13 Investment Fund because it has no U.S. offices of subsidiaries.

14      WHEREAS, Plaintiff requested that Defendants consent to Plaintiff's motion for the  
15 issuance of letters rogatory, and Defendants consented;

16      WHEREAS, on January 21, 2020, the Court ordered that, if Defendants consent to the  
17 issuance of letters rogatory, the parties shall submit a stipulation to the issuance of letters rogatory;

18      WHEREAS, Plaintiff respectfully requests, and Defendants do not oppose, that this Court  
19 issue pursuant to 28 U.S.C. § 1781 and Federal Rules of Civil Procedure 26(b)(1) and 28(b) the  
20 accompanying letters rogatory to obtain testimony from H.E. Yasir Al-Rumayyan, Saad Al Jarboa,  
21 and Nai Al Mogren of the Kindgom of the Public Investment Fund.

22      WHEREAS, Plaintiff believes that its requests for evidence are narrowly tailored and will  
23 not impose an undue burden on the Public Investment fund or H.E. Yasir Al-Rumayyan, Saad Al  
24 Jarboa, or Nai Al Mogren.

25      WHEREAS, this Court has authority to issue the letters rogatory.

26      WHEREAS, Plaintiff and Defendants agree to the terms and conditions set forth in this  
27 stipulation.

**NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by counsel for the parties listed below, subject to the approval of the Court, that:

1. The accompanying letters rogatory to obtain testimony from H.E. Yasir Al-Rumayyan, Saad Al Jarboa, and Nai Al Mogren of the Kingdom of the Public Investment Fund should be issued by the Court pursuant to 28 U.S.C. § 1781 and Federal Rules of Civil Procedure 26(b)(1) and 28(b).

Dated: January 28, 2021

LEVI & KORSINSKY, LLP

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*Attorneys for Lead Plaintiff Glen Littleton and  
Lead Counsel for the Class*

1 Dated: January 28, 2021

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3 Patrick E. Gibbs

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17 *Attorneys for Defendants Tesla, Inc., Elon Musk,  
18 Brad W. Buss, Robyn Denholm, Ira Ehrenpreis,  
19 Antonio J. Gracias, James Murdoch, Kimbal  
20 Musk, and Linda Johnson Rice*

21 Pursuant to Civil Local Rule No. 5-1(i)(3), all signatories concur in filing this Stipulation.

22 Dated: January 28, 2021

LEVI & KORSINSKY, LLP

23 By: /s/ Adam M. Apton  
24 Adam M. Apton

1           **SO ORDERED.**  
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Dated: \_\_\_\_\_

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HON. KANDIS A. WESTMORE  
United States Magistrate Judge